

## Disciplinary Rules & Procedures

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The ACAS (Arbitration, Conciliation and Advisory Service) Code of Disciplinary Practice and Procedures in Employment influences the way we handle disciplinary problems in the UK. The regulations are based on principles of natural justice, which should be accepted when applying the procedure.

Natural justice is based on three principles, which should govern the way in which an employer handles potential disciplinary problems:

- 1 Employees should know the standard of performance required and the rules to which they should conform.
- 2 Employees should be given a clear indication of where they are failing or where they are breaching the rules.
- 3 Employees should be given an opportunity to improve before disciplinary action is taken. This does not apply in cases of gross misconduct.

The disciplinary procedure may or may not form part of an employee's contract of employment. Where it does form part of the contract of employment then, in all cases of discipline, it must be applied.

An employer should make itself fully conversant with its disciplinary procedure before proceeding with any action. The basic provision of the law, such as wrongful or unfair dismissal should be understood as well as the approach that should be used to deal with disciplinary procedural matters. These can differ according to the specific allegations, ie cases of incapacity, misconduct, absenteeism or performance.

The Checklist - Using the Disciplinary Procedure provides comprehensive guidance on these issues.